

## **REMARKS**

### ***Summary of Amendments/Status of Claims***

Claims 1 and 2 have been amended to address the objections to these claims.

Claims 3 and 5 are withdrawn, and claims 4 and 6-10 are canceled. New claims 11 and 12 were added in Applicant's RCE-accompanying amendment of October 20, 2008.

Claims 1 and 2, and 11 and 12 are pending.

### ***Claim Objections***

Claims 1 and 2 were objected to for the informality of lumping silicon together with the metals in the recited group. While silicon is arguably a "metalloid," the recitation in question has been amended to remove the label "metals" from the recited group.

It is believed that as required, appropriate correction of the recitation has thus been made.

### ***Claim Rejections – 35 U.S.C. § 112***

Claims 1, 2, 11 and 12 were rejected for indefiniteness on the grounds that claims 1 and 2 are allegedly "omnibus."

It is respectfully pointed out that MPEP § 2173.05(r), "Omnibus Claim," expressly and solely defines an omnibus claim as one which reads, "A device substantially as shown and described."

Neither claim 1 nor claim 2 is written in such a form. Moreover, it is believed that claims 1 and 2 set forth a unique, patentably distinguishing combination of a GaN substrate and a device-forming epilayer, and that the claims fulfill the "public notice" function of particularly pointing out and distinctly claiming the subject matter that Applicants regard as their invention.

***Conclusion***

Accordingly, the Examiner is courteously urged to reconsider and withdraw the rejections, and favorable action by the Examiner at an early date is solicited.

Respectfully submitted,

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/James Judge/

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